

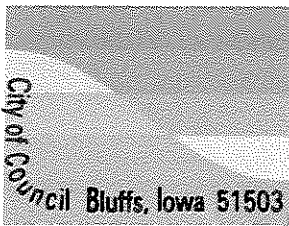
OFFICE OF:
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, September 22, 2008
3:45 P.M.**

A. Review of Agenda





COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING SEPTEMBER 22, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

OFFICE OF:
CITY CLERK
(712) 328-4616

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the September 8, 2008 regular Council meeting
- C. Ordinance 6010, amending Chapter 8.18 "Curfew" of the Municipal Code of council Bluffs, by amending Section 8.18.030 "Definitions" to remove the reference to the specific state code section in the definition of "Emancipated minor"
- D. Ordinance 6011, repealing Ordinance 5299 which approved the tax increment financing district for the East Broadway Urban Renewal Area
- E. Resolution 08-272, intent to vacate part of 24th Avenue right-of-way lying west of South 19th Street along with part of South 20th Street lying south of 24th Avenue and the North ½ of both North/South alleys in Block 37, Railroad Addition, City of Council Bluffs and setting public hearing for October 13, 2008 at 7:00 p.m.
- F. Resolution 08-273, intent to vacate a 5,676 square foot portion of 24th Avenue right-of-way lying west of South 24th Street, City of Council Bluffs, and setting public hearing for October 13, 2008 at 7:00 p.m.
- G. Resolution 08-274, intent to vacate a 5,950 square foot portion of 26th Avenue right-of-way lying west of South 24th Street, City of Council Bluffs, and setting public hearing for October 13, 2008 at 7:00 p.m.
- H. Resolution 08-275, directing the City Clerk to publish notice and setting public hearing for October 13, 2008 at 7:00 p.m. on the plans, specifications, form of contract and cost estimate for the US 275/Missouri River Stormwater Pump Station
- I. Resolution 08-276, intent to dispose of City property by granting a partial release of a sanitary sewer easement on land described as Lot 10, the Marketplace Subdivision, and setting public hearing for October 13, 2008 at 7:00 p.m.
- J. Resolution 08-277, intent to release the easements retained on property vacated and conveyed by Ordinance No. 3108, passed on November 13, 1944 and approved on December 4, 1944, and setting public hearing for October 13, 2008 at 7:00 p.m.

4. PUBLIC HEARINGS:

- A. Resolution 08-278, granting final plat approval for Roth's hillside Second Addition, Replat Two
- B. Resolution 08-279, authorizing the disposal of certain City property by granting an easement to Northern Natural Gas



- C. Resolution 08-280, determining an area of the City to be an economic development area and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an urban renewal project; and adopting Amendment No. 3 to the Mid-America Center (MAC) urban renewal plan (F/K/A MARCC Urban Renewal Plan) therefore

5. ORDINANCES ON FIRST READING:

- A. Ordinance 6012, amending Title 15 "Zoning" of the Municipal Code of Council Bluffs, by repealing Chapters 15.01 "Title and Purpose", 15.02 "Administration and Implementation", and 15.27 "Board of Adjustment" in their entirety; and by enacting new Chapters 15.01 "Title, Purpose and Intent", 15.02 "Administration and Enforcement" and 15.27 "Zoning Districts"
- B. Ordinance 6013, amending Ordinance Nos. 5607 and 5905, providing that general property taxes levied and collected each year on all property located within the amended Mid-America Center (MAC) Urban Renewal area (F/K/A MARCC Urban Renewal Area) of the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with the amended Mid-America Center (MAC) Urban Renewal Redevelopment Project

6. RESOLUTIONS:

- A. Resolution 08-203 (continued from 6/23/2008), vacating and disposing of 24th Avenue right-of-way between South 18th and South 19th Streets and abutting Lot 6, Wyatt 2nd Subdivision and abutting blocks 21 and 36, Railroad Addition, City of Council Bluffs
- B. Resolution 08-281, granting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne
- C. Resolution 08-282, adopting a Planned Commercial Development Plan for a subdivision to be known as Southtowne, located at the northwest corner of Veterans Memorial Highway (Highway 275) and South expressway (Highway 192)
- D. Resolution 08-283, assessing unreimbursed costs incurred by the City for the removal of nuisances found on those properties be assessed against said properties
- E. Resolution 08-284, assessing unreimbursed costs incurred by the City for the abatement of weeds found upon said properties be assessed against said properties
- F. Resolution 08-285, accepting the completion of the Emil Pavich Trail Project and directing the Director of Finance to release the retainage of \$14,727.98 in 30 days
- G. Resolution 08-286, approving the Street Finance Report to be submitted to the Iowa Department of Transportation for fiscal year ending June 30, 2008
- H. Resolution 08-287, authorizing the Mayor to execute agreement between the City of Council Bluffs and the university of Nebraska at Omaha on behalf of the Neighborhood Center
- I. Resolution 08-288, authorizing the Mayor to acquire property located northeast of North 13th Street and Avenue B as part of the Playland Park land mitigation project
- J. Resolution 08-289, repealing the amended North 16th Street and Avenue G Urban Renewal Plan and area

- K. Resolution 08-290, repealing the development agreement and minimum assessment agreement between the City of Council Bluffs and Artspace projects, Inc., for the redevelopment of 1000 South Main Street
- L. Resolution 08-291, authorizing a joint application to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Harvester Artist Lofts, L.P. (successor to Artspace Projects, Inc.) for amendment #1 to EZ Agreement #08-HEZ-020
- M. Resolution 08-293, amending the use of B-08 and B-09 Community Development Block Grant (CDBG) funds and directing the Mayor to submit an amended 2008 and 2009 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD)
- N. Resolution 08-294, approving the use of 2009 Home Investment Partnership (HOME) and 2009 American Dream Down Payment Initiative (ADDI) funds and directing the Mayor to submit the annual plan to the City of Omaha and the U.S. Department of Housing and Urban Development (HUD)
- O. Resolution 08-295, awarding the vehicle towing and storage contract
- P. Resolution 08-297, intent to dispose of certain City property by granting an underground electric easement to MidAmerican Energy and setting public hearing for October 13, 2008 at 7:00 p.m.
- Q. Resolution 08-298, approving the first amendment to the arena lease between the City of Council Bluffs and the American Hockey Group, LLC

7. RECEIVE AND FILE ITEMS:

- A. Cash Balance Statement, August 31, 2008
- B. August 31, 2008 List of Bills
- C. Correspondence received from Iowa Department of Transportation
- D. Notice of expiration of right of redemption:
 - a) 746 W. Washington
 - b) 2019 5th Avenue

8. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Applications for renewal of liquor license:
 - a) Aldi, 3135 Manawa Centre Drive
 - b) Ampride, 4040 S. Expressway
 - c) Brewski's Beverage, 726 Creektop
 - d) Council Bluffs Travel Ctr, 3210 S 7th Street
 - e) G's Phillips 66, 3500 Avenue A
 - f) Hard Luck Saloon, 628 16th Avenue
 - g) Jack Daddy's, 2327 S 24th Street
 - h) Mo Fish, 2403 Nash Blvd
 - i) NYX, 144 W Broadway
 - j) Mario's Bar & Laundry, 719 S Main
 - k) Quarthouse, 107 Pearl
 - l) Railway Inn, 115 S. 12th Street
 - m) Shenanigans, 800 N. 8th Street
 - n) VFW Club, 28 S. 29th Street

9. CITIZENS REQUEST TO BE HEARD:

10. ADJOURNMENT

Record of Proceedings

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order Monday, September 8, 2008 at 7:00 p.m.
ATTENDANCE	Present: Councilmembers Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Thomas Hanafan Staff present: Dick Wade, City Attorney, Judith Ridgeley, City Clerk
CONSENT AGENDA	At request of Staff, Resolution 08-255 was removed from the agenda. Belt and Branigan moved and seconded approval of the Consent Calendar as amended, removing Resolution 08-255. Unanimous
PUBLIC HEARINGS Resolution 08-256	Held public hearing to vacate and dispose of a portion of South 7 th Street right-of-way. Mr. Dana Moore, Salina, KS was present in support of the action. Walsh and Belt moved and seconded approval of Resolution 08-256. Belt and Branigan moved and seconded to amend the Resolution by providing for the City to have a first option if the property is sold. VOICE VOTE ON AMENDMENT: 4 Aye, 1 Abstain (Schultz) VOICE VOTE ON Resolution 08-256: 4 Aye, 1 Abstain (Schultz)
Resolution 08-257	Held public hearing to dispose of 6.37 acres of public property located in Section 32-75-43. Belt and Schultz moved and seconded approval of Resolution 08-257. Unanimous
Resolution 08-258	Held public hearing to dispose of Lot 243, Twin Cities Plaza. Belt and Walsh moved and seconded approval of Resolution 08-258. Unanimous
Resolution 08-259	Held public hearing to assess costs for securing certain buildings in the City. Belt and Schultz moved and seconded approval of Resolution 08-259. Unanimous
Resolution 08-260	Held public hearing to approve plans, specifications, form of contract and cost estimate for the US Highway 275 street lighting. Walsh and Branigan moved and seconded approval of Resolution 08-260. Unanimous
Resolution 08-261	Held public hearing regarding annexation of 230 acres abutting the southeast corporate boundary. Belt and Bates moved and seconded to continue Resolution 08-261 until the regular meeting of October 13, 2008 at 7:00 p.m. Unanimous
ORDINANCES ON SECOND READING Ordinance 6010	Belt and Walsh moved and seconded approval of Ordinance 6010, amending Chapter 818 of the Municipal Code. Unanimous
Ordinance 6011	Belt and Schultz moved and seconded approval of Ordinance 6011, repealing Ordinance 5299, tax increment financing for the East Broadway Urban Renewal Area. Unanimous
RESOLUTIONS Resolution 08-262	Belt and Bates moved and seconded to approve committee's recommendation to name the pedestrian bridge the <i>Bob Kerry Pedestrian Bridge</i> , Resolution 08-262. 3 Aye, 2 Nay (Branigan,

RECORD OF PROCEEDINGS

Schultz)

- Resolution 08-263** Branigan and Belt moved and seconded approval of Resolution 08-263, authorizing the Finance Director to purchase one new bridge crane for the new Fleet Maintenance Facility. Unanimous
- Resolution 08-264** Belt and Bates moved and seconded approval of Resolution 08-264, authorizing the Mayor and City Clerk to execute IDOT cooperative agreement in connection with the Iowa West Foundation sculptures at the 24th Street bridge over Interstate 80. Belt and Branigan moved and seconded to amend Resolution 08-264 by requiring 2 million in liability insurance. VOICE VOTE ON AMENDMENT: 4 Aye, 1 Nay (Schultz) VOICE VOTE ON RESOLUTION: 4 Aye, 1 Nay (Schultz)
- Resolution 08-265** Branigan and Belt moved and seconded approval of Resolution 08-265, rejecting the bid from MFT Construction, Inc., for the US 275 Missouri River Stormwater pump station. Unanimous
- Resolution 08-266** Branigan and Walsh moved and seconded approval of Resolution 08-266, authorizing City officials to endorse checks, notes, drafts, bills of exchange, and acceptances on behalf of the City. Unanimous
- Resolution 08-267** Belt and Walsh moved and seconded approval of resolution 08-267, authorizing the approval of contracts for emergency tree removal and directing the Mayor and City Clerk to execute an agreement with McCullough's Tree Service for said work. Unanimous
- Resolution 08-268** Branigan and Bates moved and seconded approval of Resolution 08-268, supporting the legal action filed by the State against the National Gaming Commission. Branigan and Walsh moved and seconded to amend the Resolution, to direct the City Attorney to intervene in the actions initiated by the Attorney General's office. VOICE VOTE ON AMENDMENT: Unanimous VOICE VOTE ON RESOLUTION: Unanimous
- Resolution 08-269** Belt and Schultz moved and seconded approval of Resolution 08-269, authorizing the Mayor and City Clerk to enter into a purchase agreement for a comprehensive content management system from Civic Systems LLC. Unanimous
- Resolution 08-270** Schultz and Branigan moved and seconded approval of Resolution 08-270, supporting the Neighborhood Center to establish a Council Bluffs office and to implement a five year neighborhood association and capacity building initiative. Unanimous
- Resolution 08-271** Belt and Schultz moved and seconded approval of Resolution 08-271, intent to dispose of certain City property by granting an easement to Northern Natural Gas and setting public hearing for September 22, 2008 at 7:00 p.m. Unanimous

RECEIVE AND FILE ITEMS

Belt and Walsh moved and seconded to receive and file the following: two notices of claim, and two notices to redeem from tax sale. Unanimous

APPLICATIONS FOR PERMITS AND

Belt and Branigan moved and seconded approval of the following permits and applications:

RECORD OF PROCEEDINGS

CANCELLATIONS

- a) Application for renewal of liquor license for Huhot Mongolian Grill and Larosita;
- b) Application for renewal of retail cigarette permit for Bottom's Up Lounge, Mike's Place, and In Between Lounge; and
- c) Application for special event permit, fireworks, for J & M Displays.

Unanimous

ADJOURNMENT

There being no further business, Belt and Bates moved and seconded to adjourn the meeting at 7:37 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

Council Communication

Department:	Ordinance No. <u>6010</u>	First Reading <u>8/25/2008</u>
Case/Project No.	Resolution No. _____	Second Reading <u>09/08/2008</u>
		Third Reading <u>09/22/2008</u>
Subject/Title		
AN ORDINANCE to amend Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor".		
Background/Discussion		
It was brought to my attention at a recent code enforcement meeting, that the state code section referenced in the definition of "emancipated minor" was incorrect in the municipal code. The purpose of this ordinance is to remove the reference to the specific state code section.		
Recommendation		
Approve the ordinance amending the definition of "emancipated minor" contained in Section 8.18.030.		

Don Bauermeister, Asst. City Attorney

Department Head Signature

Mayor Signature

ORDINANCE NO. 6010

AN ORDINANCE to amend Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 8.18 "Curfew", of the 2005 Municipal Code of Council Bluffs, Iowa,

be and the same is hereby amended by amending Section 8.18.030 "Definitions", to read as

follows:

"8.18.030 Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Legitimate parentally approved errand" means a minor performing a necessary task at the direction of the minor's parent, that the nonperformance of until non-curfew hours would result in an injury or undue hardship.

(2) "Assembly" means any gathering of persons for a religious, political, economic or cultural purpose with supervision designed to keep the focus of activity on the purpose for the assembly. For example, the mayor provides adequate supervision at a city council meeting as does a minister at a church service; as does a moderator at a cultural event and a chairperson at an organized labor or political event. The term supervision does not require the presence of chaperons whose sole purpose for presence at the assembly is to supervise teenagers.

(3) "Emancipated minor" means a minor who no longer has a "parent-child relationship" as defined in the Code of Iowa.

(4) "Minor" means any person under the age of eighteen (18).

(5) "Parent" means biological parents, a guardian or custodian appointed by the courts, or an adult who has accepted the role of parent at the request of the biological parent, guardian, or custodian.

(6) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(7) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(8) "Street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic."

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5384, Section 1, (1998).

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED September 22, 2008

THOMAS P. HANAFAN Mayor

Attest: JUDITH RIDGELEY City Clerk

First Consideration: August 25, 2008
Second Consideration: September 8, 2008
Public Hearing: n/a
Third Consideration: September 22, 2008

Council Communication

Department: Community Development Department	Resolution No. _____ Ordinance No. <u>6011</u>	Date: <u>September 22, 2008</u>
Subject/Title Repeal of the East Broadway Urban Renewal Plan, Area and Ordinance.		
Background/Discussion <p>On November 18, 1996, City Council adopted Resolution No. 96-274, which created the East Broadway Urban Renewal Plan and corresponding area. This area was established for 10 years. Subsequent to the adoption of the plan and area, City Council approved Ordinance No. 5299 on November 21, 1996 which established the TIF district.</p> <p>As a result of the urban renewal area and TIF district, Walgreens was constructed and a vacant grocery store redeveloped. TIF funds were used to assist with the cost of property acquisition. The City's obligations contained in the development agreement have now been satisfied; and no additional debt will be certified in the district. Therefore, the urban renewal plan, area, ordinance and accompanying TIF district should be repealed. A corresponding resolution and ordinance have been prepared undertaking such actions and are attached for your review and consideration.</p>		
Recommendation That City Council adopt a resolution repealing the East Broadway Urban Renewal Plan, and Area and an ordinance repealing the East Broadway TIF district, effective immediately.		
Prepared by: Donald D. Gross, Director		

30

ORDINANCE NO. 6011

AN ORDINANCE TO REPEAL ORDINANCE NO. 5299 WHICH APPROVED THE TAX INCREMENT FINANCING DISTRICT FOR THE EAST BROADWAY URBAN RENEWAL AREA.

- WHEREAS,** On November 21, 1996, Ordinance No. 5299 was passed by City Council approving the TIF district for the East Broadway Urban Renewal Area; and
- WHEREAS,** this TIF district was created to assist with the redevelopment of a two block area in the vicinity of East Broadway and Frank Street; and
- WHEREAS,** this project has been implemented, City obligations satisfied; and no additional debt will be certified; and
- WHEREAS,** pursuant to Section 403 of the Code of Iowa and after study and consideration, it is the opinion of this City Council that Ordinance No. 5299 which approved the TIF district for the East Broadway Urban Renewal Area should be repealed.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That Ordinance No. 5299 passed and approved November 21, 1996, be repealed, effective immediately.

ADOPTED
AND

APPROVED: September 22, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

First Consideration: August 25, 2008
Second Consideration: September 8, 2008
Public Hearing: n/a
Third Consideration: September 22, 2008

Council Communication

Department: Community Development Case #SAV-08-009 Applicant: Municipal Homes, Inc. 515 south 6 th Street Council Bluffs, IA 51503	Resolution of Intent No. <u>08-272</u> Resolution to Dispose No. _____	City Council: 9/22/08 Planning Commission: 09/09/08 Set Public Hearing: 09/22/08 Public Hearing: 10/13/08
Subject/Title Request of Municipal Homes, Inc, 515 South 6 th Street, Council Bluffs, IA 51503, to vacate the following: 1. Part of 24 th Avenue right-of-way running west from South 19 th Street for 516 feet and abutting Blocks 20 and 37 and part of Blocks 19 and 38, Railroad Addition. 2. Part of South 20 th Street right-of-way running south from 24 th Avenue for 165 feet and abutting part of Blocks 37 and 38, Railroad Addition. 3. Both north/south alleys in Block 37, Railroad Addition lying between South 19 th and South 20 th Streets, from 24 th to 25 th Avenue.		
Background Municipal Homes, Inc. has entered into an agreement with R W F, LLC to purchase the west part of Block 19 and all of Block 20, including vacated rights-of-way, along with the north half of Block 37, Railroad Addition. Municipal Homes intends on developing a project that will provide 40 units of public rental housing along with approximately 10 single family lots along South 19 th Street. They are asking for vacation of the above mentioned right-of-way, all of which is unimproved, so they can acquire it and all of the right-of-way can be incorporated into the development. The project is contingent upon approval of a low income housing tax credit application, which will be submitted in October, 2008. Construction is planned for the fall of 2009. John Allmon owns the south half of Block 37. He is opposed to the vacation and unwilling to accept his portion of alley right-of-way. Victory Fellowship Pentecostal owns Block 38. No response has been received from Victory Fellowship regarding the requested vacations. There are no utilities within any of the subject right-of-way.		
Recommendation The Community Development Department recommends vacating part of 24 th Avenue right-of-way running west from South 19 th Street for 516 feet and abutting Blocks 20 and 37 and part of Blocks 19 and 38, Railroad Addition; part of South 20 th Street right-of-way running south from 24 th Avenue for 165 feet and abutting part of Blocks 37 and 38, Railroad Addition and <u>the North 1/2 only of</u> both north/south alleys in Block 37, Railroad Addition lying between South 19 th and South 20 th Streets, from 24 th to 25 th Avenue subject to Municipal Homes acquiring and re-platting the site. Public Hearing Rob Stephens, Municipal Housing Agency, representing the applicant, appeared before the Planning Commission in favor of the request. No one appeared in opposition. Planning Commission Recommendation The Planning Commission recommends vacating part of 24 th Avenue right-of-way running west from South 19 th Street for 516 feet and abutting Blocks 20 and 37 and part of Blocks 19 and 38, Railroad Addition; part of South 20 th Street right-of-way running south from 24 th Avenue for 165 feet and abutting part of Blocks 37 and 38, Railroad Addition and <u>the North 1/2 only of</u> both north/south alleys in Block 37, Railroad Addition lying between South 19 th and South 20 th Streets, from 24 th to 25 th Avenue subject to Municipal Homes acquiring and re-platting the site. VOTE: AYE 9 NAY 1 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Maps showing requested and recommended right-of-way vacation and proposed project site plan. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



CASE #SAV-08-009

REQUESTED
VACATION

23RD AVENUE

24TH AVENUE

25TH AVENUE

SOUTH 19TH STREET

S. 20TH ST

SOUTH 21ST STREET

BLOCK 20

BLOCK 19

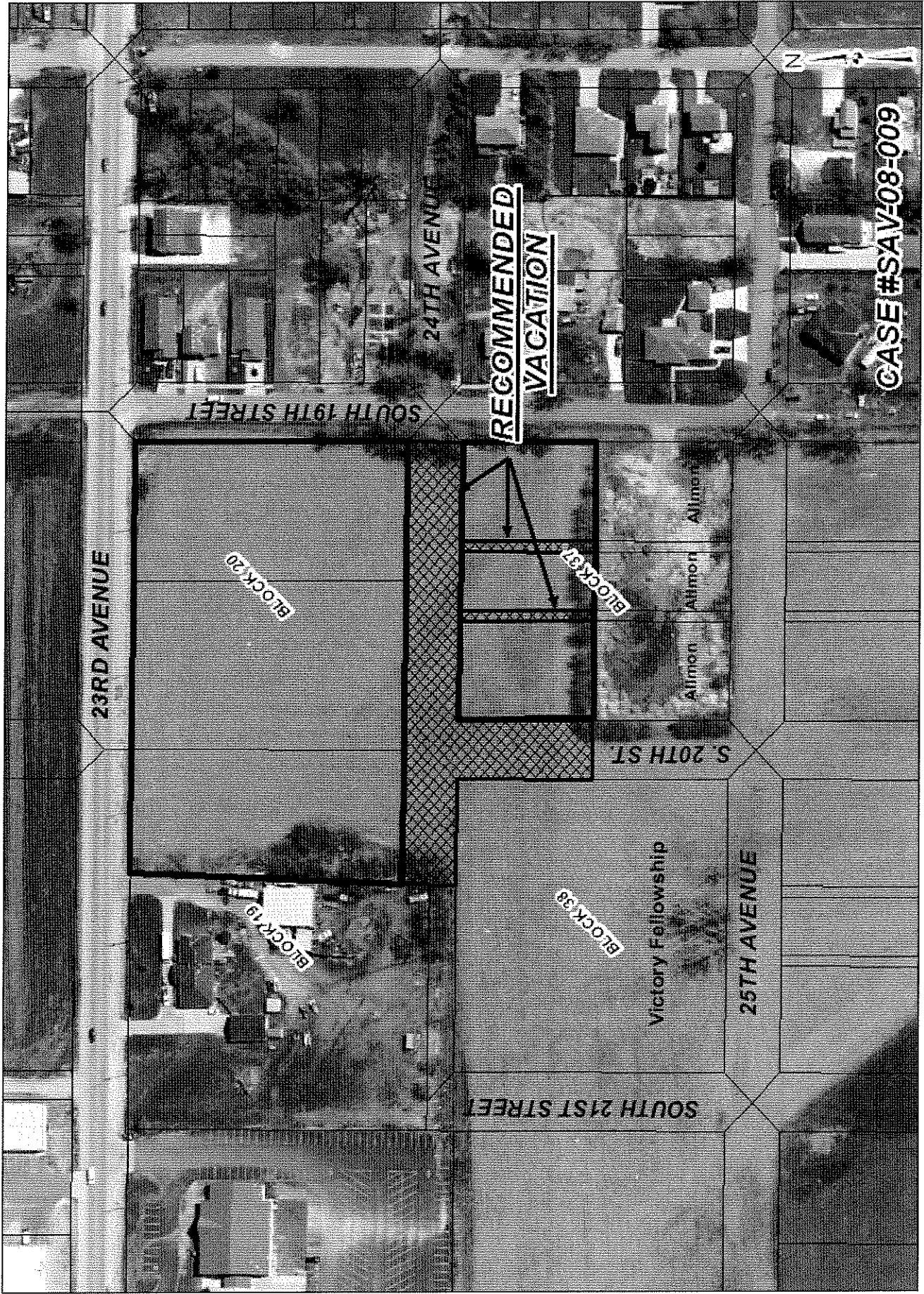
BLOCK 38

BLOCK 39

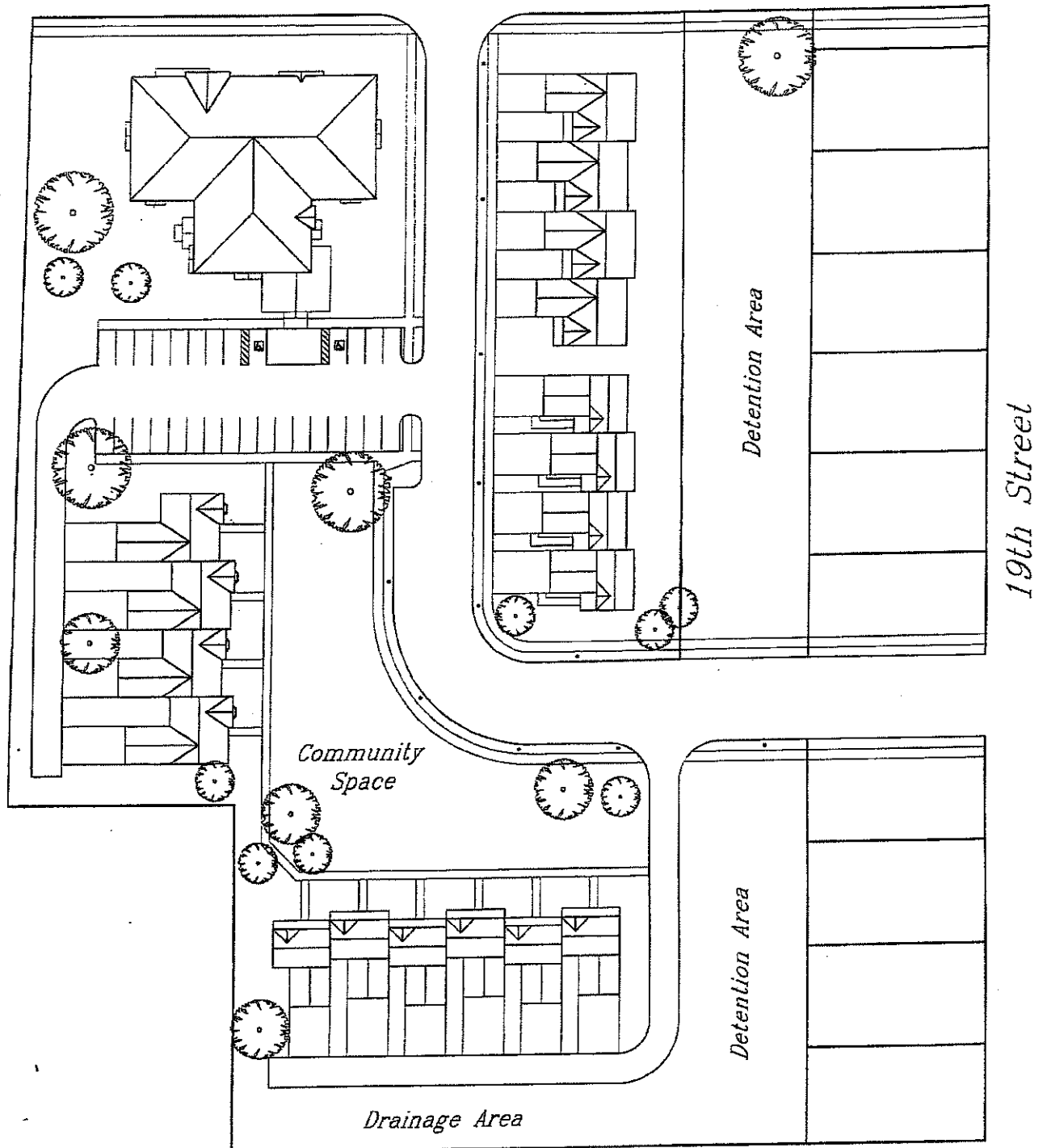
Victory Fellowship

Allmon
Allmon
Allmon

N



23rd Avenue



NORTH

PROPOSED
SITE PLAN - OPTION #2

SCALE: 1" = 70'-0"

1
C-2

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-272

A RESOLUTION OF INTENT TO VACATE PART OF 24TH AVENUE RIGHT-OF-WAY LYING WEST OF SOUTH 19TH STREET ALONG WITH PART OF SOUTH 20TH STREET LYING SOUTH OF 24TH AVENUE AND THE NORTH 1/2 OF BOTH NORTH/SOUTH ALLEYS IN BLOCK 37, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Municipal Homes, Inc. requests vacation of part of 24th Avenue right-of-way running west from the west line of South 19th Street for 516 feet and abutting Blocks 20 and 37 and part of Blocks 19 and 38, Railroad Addition along with part of South 20th Street right-of-way running south from the south line of 24th Avenue for 165 feet and abutting part of Blocks 37 and 38, Railroad Addition and also the North 1/2 of both north/south alleys in Block 37, Railroad Addition; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property;
and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for October 13, 2008.

ADOPTED
AND

APPROVED: September 22, 2008

Thomas P. Hanafan

Mayor

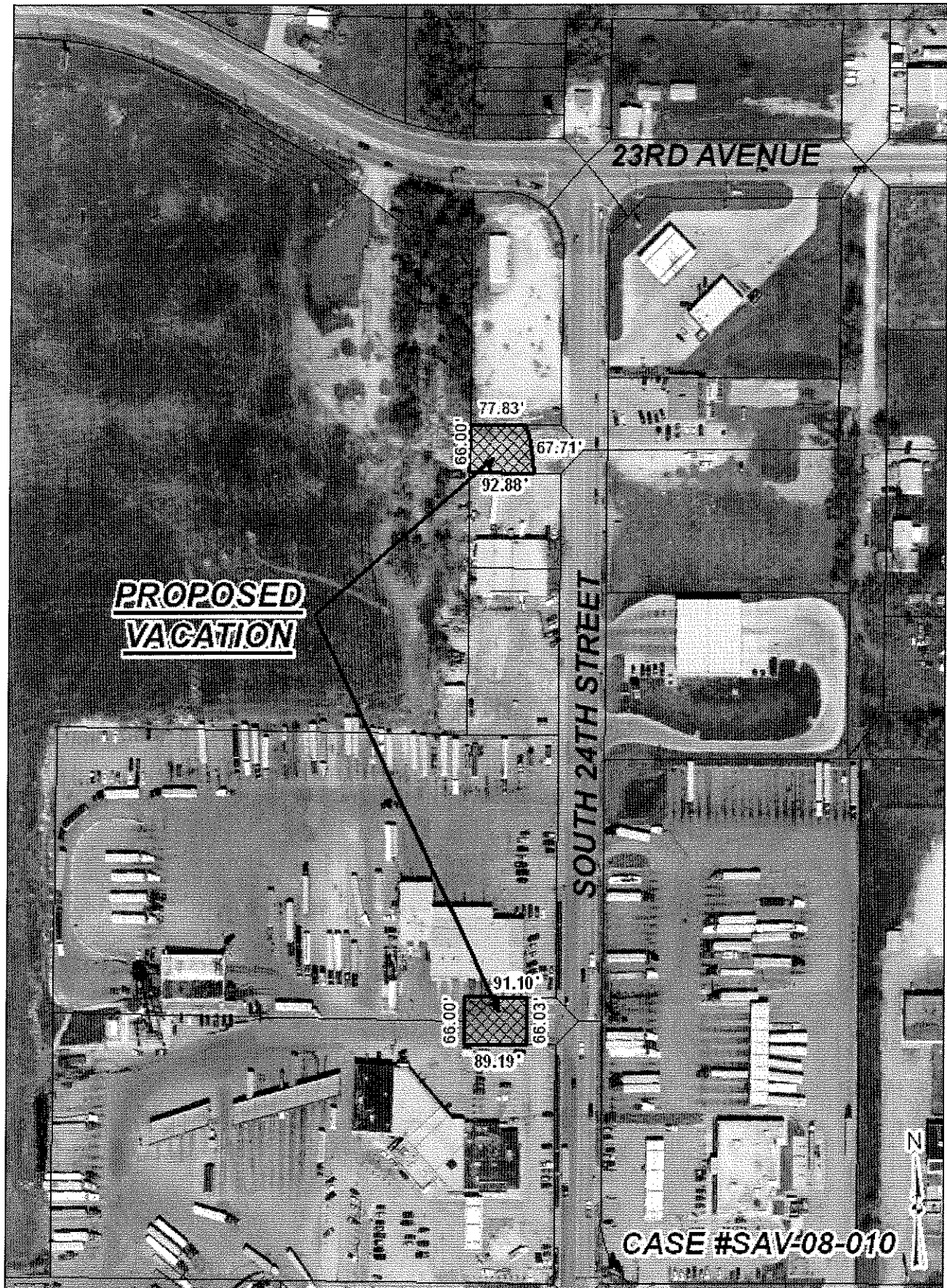
ATTEST:

Judith H. Ridgeley

City Clerk

City Planning Commission

Department: Community Development Case # SAV-08-010 Applicant: Community Development Department	Resolution of Intent No. 08-273 Resolution to Dispose No. _____	City Council: 09/22/08 Planning Commission: 09/09/08 Set Public Hearing: 09/22/08 Public Hearing: 10/13/08
Subject/Title		
Request of the Community Development Department to vacate a 5,676 square foot portion of 24 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 15 and part of Block 42, Railroad Addition along with a 5,950 square foot portion of 26 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 43 and part of Block 70, Railroad Addition as shown on the attached map.		
Background		
24th Avenue Vacation The City of Council Bluffs currently owns the parcels to the north and south of the subject portion of 24 th Avenue which essentially represent the portions of right-of-way and previous City acquisitions which are not necessary for South 24 th Street reconstruction. The City intends to assemble these parcels as one and convey them to a development interest which is proposing a retail center on the properties to the west and south of this location.		
26th Avenue Vacation The Sapp Brothers property lying to the north and south of 26 th Avenue is under option by a development interest. The intent is to vacate this portion of 26 th Avenue and convey with the property as discussed above.		
Black Hills Energy (formerly Aquila) has a gas main within the subject portion of 26 th Avenue. An easement will need to be retained.		
MidAmerican Energy needs to maintain easements for utility access for street lighting along the new route through both portions of 24 th and 26 th Avenues.		
Recommendation		
The Community Development Department recommends vacating a 5,676 square foot portion of 24 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 15 and part of Block 42, Railroad Addition along with a 5,950 square foot portion of 26 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 43 and part of Block 70, Railroad Addition as shown on the attached map, subject to an easement being retained in these portions of 24 th and 26 th Avenues. The City shall retain ownership of said right-of-way until the aforementioned parcels are conveyed to the said development interest.		
Public Hearing		
Gayle Malmquist appeared before the Planning Commission in favor of the request. Scott Harold, representing Sapp Brothers appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends vacating a 5,676 square foot portion of 24 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 15 and part of Block 42, Railroad Addition along with a 5,950 square foot portion of 26 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 43 and part of Block 70, Railroad Addition as shown on the attached map, subject to an easement being retained in these portions of 24 th and 26 th Avenues. The vacation shall not become effective until the City receives proof of acquisition by said development. The City shall retain ownership of said right-of-way until the aforementioned parcels are conveyed to the said development interest.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Map showing requested right-of-way vacation		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



PROPOSED
VACATION

23RD AVENUE

SOUTH 24TH STREET

CASE #SAV-08-010

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-273

A RESOLUTION OF INTENT TO VACATE A 5,676 SQUARE FOOT PORTION OF 24TH AVENUE RIGHT-OF-WAY LYING WEST OF SOUTH 24TH STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the Community Development Department of the City of Council Bluffs requests vacation of a 5,676 square foot portion of 24th Avenue right-of-way lying west of South 24th Street and abutting part of Block 15 and part of Block 42, Railroad Addition; and

WHEREAS, this City Council hereby declares its intent to vacate this City right-of-way.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to retain ownership of the above described City property;
and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to vacate this right-of-way is hereby set for October 13, 2008.

ADOPTED
AND
APPROVED: September 22, 2008

Thomas P. Hanafan, Mayor

ATTEST:
Judith H. Ridgeley, City Clerk

City Planning Commission

Department: Community Development Case # SAV-08-010 Applicant: Community Development Department	Resolution of Intent No. 08-274 Resolution to Dispose No. _____	City Council: 09/22/08 Planning Commission: 09/09/08 Set Public Hearing: 09/22/08 Public Hearing: 10/13/08
Subject/Title		
Request of the Community Development Department to vacate a 5,676 square foot portion of 24 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 15 and part of Block 42, Railroad Addition along with a 5,950 square foot portion of 26 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 43 and part of Block 70, Railroad Addition as shown on the attached map.		
Background		
24th Avenue Vacation The City of Council Bluffs currently owns the parcels to the north and south of the subject portion of 24 th Avenue which essentially represent the portions of right-of-way and previous City acquisitions which are not necessary for South 24 th Street reconstruction. The City intends to assemble these parcels as one and convey them to a development interest which is proposing a retail center on the properties to the west and south of this location.		
26th Avenue Vacation The Sapp Brothers property lying to the north and south of 26 th Avenue is under option by a development interest. The intent is to vacate this portion of 26 th Avenue and convey with the property as discussed above.		
Black Hills Energy (formerly Aquila) has a gas main within the subject portion of 26 th Avenue. An easement will need to be retained.		
MidAmerican Energy needs to maintain easements for utility access for street lighting along the new route through both portions of 24 th and 26 th Avenues.		
Recommendation		
The Community Development Department recommends vacating a 5,676 square foot portion of 24 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 15 and part of Block 42, Railroad Addition along with a 5,950 square foot portion of 26 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 43 and part of Block 70, Railroad Addition as shown on the attached map, subject to an easement being retained in these portions of 24 th and 26 th Avenues. The City shall retain ownership of said right-of-way until the aforementioned parcels are conveyed to the said development interest.		
Public Hearing		
Gayle Malmquist appeared before the Planning Commission in favor of the request. Scott Harold, representing Sapp Brothers appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends vacating a 5,676 square foot portion of 24 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 15 and part of Block 42, Railroad Addition along with a 5,950 square foot portion of 26 th Avenue right-of-way lying west of South 24 th Street and abutting part of Block 43 and part of Block 70, Railroad Addition as shown on the attached map, subject to an easement being retained in these portions of 24 th and 26 th Avenues. The vacation shall not become effective until the City receives proof of acquisition by said development. The City shall retain ownership of said right-of-way until the aforementioned parcels are conveyed to the said development interest.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Map showing requested right-of-way vacation		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



PROPOSED
VACATION

23RD AVENUE

SOUTH 24TH STREET

N

CASE #SAV-08-010

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-274

A RESOLUTION OF INTENT TO VACATE A 5,950 SQUARE FOOT PORTION OF 26TH AVENUE RIGHT-OF-WAY LYING WEST OF SOUTH 24TH STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the Community Development Department of the City of Council Bluffs requests vacation of a 5,950 square foot portion of 26th Avenue right-of-way lying west of South 24th Street and abutting part of Block 43 and part of Block 70, Railroad Addition; and

WHEREAS, this City Council hereby declares its intent to vacate this City right-of-way.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to retain ownership of the above described City property;
and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to vacate this right-of-way is hereby set for October 13, 2008.

ADOPTED
AND
APPROVED: September 22, 2008

Thomas P. Hanafan, Mayor

ATTEST: Judith H. Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY07-04C
Applicant _____

Ordinance No. _____
Resolution No. 08-275

Date: September 22, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on October 13, 2008, for the US 275/Missouri River Stormwater Pump Station.

BACKGROUND/DISCUSSION

- IDOT plans to reconstruct US 275 from the Missouri River to I-29 in 2006-2009.
- NDOR and IDOT plan to reconstruct the US 275 Missouri River Bridge starting in 2008.
- There is an existing pump station at the river levee on the north side of the Highway. It is 35 years old and is in conflict with roadway widening.
- Pump station relocation is scheduled for 2008 and 2009
- The new pump station will be upgraded and modernized. Service area includes both sides of US 275 from Missouri Levee to Twin City Drive.
- The first part of construction is estimated at \$80,000 for piping and structural efforts and is contracted through IDOT agreement.
- The second part of construction is estimated at \$145,000 for Electrical/Mechanical efforts and is the project which is the subject of this resolution.
- Project is FY07-04C in the CIP and will be funded by West Lewis #35 and Sieck #32 drainage district funds.
- This is a rebid of the US 275/Missouri River Stormwater Pump Station.
- Project schedule is for a Public Hearing, October 13; Letting, November 12; Contract Award, November 24 and construction completion Spring 2009.

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO. 08-275

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
US 275/MISSOURI RIVER
STORMWATER PUMP STATION
FY07-04C**

WHEREAS, the City wishes to make improvements known as the
US 275/Missouri River Stormwater Pump Station,
within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications,
form of contract and cost estimate for US 275/Missouri River Stormwater Pump Station
the setting October 13, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED

AND

APPROVED: September 22, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-276</u>	Council Action: <u>09/22/2008</u>
Case/Project No.		
Applicant		
SUBJECT/TITLE		
Resolution of intent to grant a partial release of a sanitary sewer easement in the Marketplace Subdivision.		
BACKGROUND		
Marketplace LLC has requested that the City release a portion of a sanitary sewer easement within Lot 10 of the Marketplace Subdivision to eliminate a conflict of proposed improvements by ShopKo. There is no reason for the City to maintain its interest in this easement.		
RECOMMENDATION		
Staff recommends this resolution be approved and a public hearing be set for October 13, 2008.		

Richard Wade

Department Head Signature

Mayor Signature

3 I

RESOLUTION NO. 08-276

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY BY GRANTING A PARTIAL RELEASE OF A SANITARY SEWER EASEMENT ON LAND DESCRIBED AS LOT 10, THE MARKETPLACE SUBDIVISION.

WHEREAS, the Marketplace final plat recorded at the Office of the Pottawattamie County Recorder in Book 2007, Page 11286, reserved a dead-end public sanitary sewer easement into the rear yard of Lot 10 for service; and

WHEREAS, the easement is no longer necessary and it is in the best interest of the City to release said portion of the easement, more fully identified in Exhibit "A", attached hereto.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to release all interest in the public sanitary sewer easement described herein and shown on the attached exhibit; and

BE IT FURTHER RESOLVED

That this matter be set for public hearing on October 13, 2008, at 7:00 p.m.

ADOPTED
AND
APPROVED Sept. 22, 2008

Thomas P. Hanafan, Mayor

Attest:

Judith Ridgeley, City Clerk

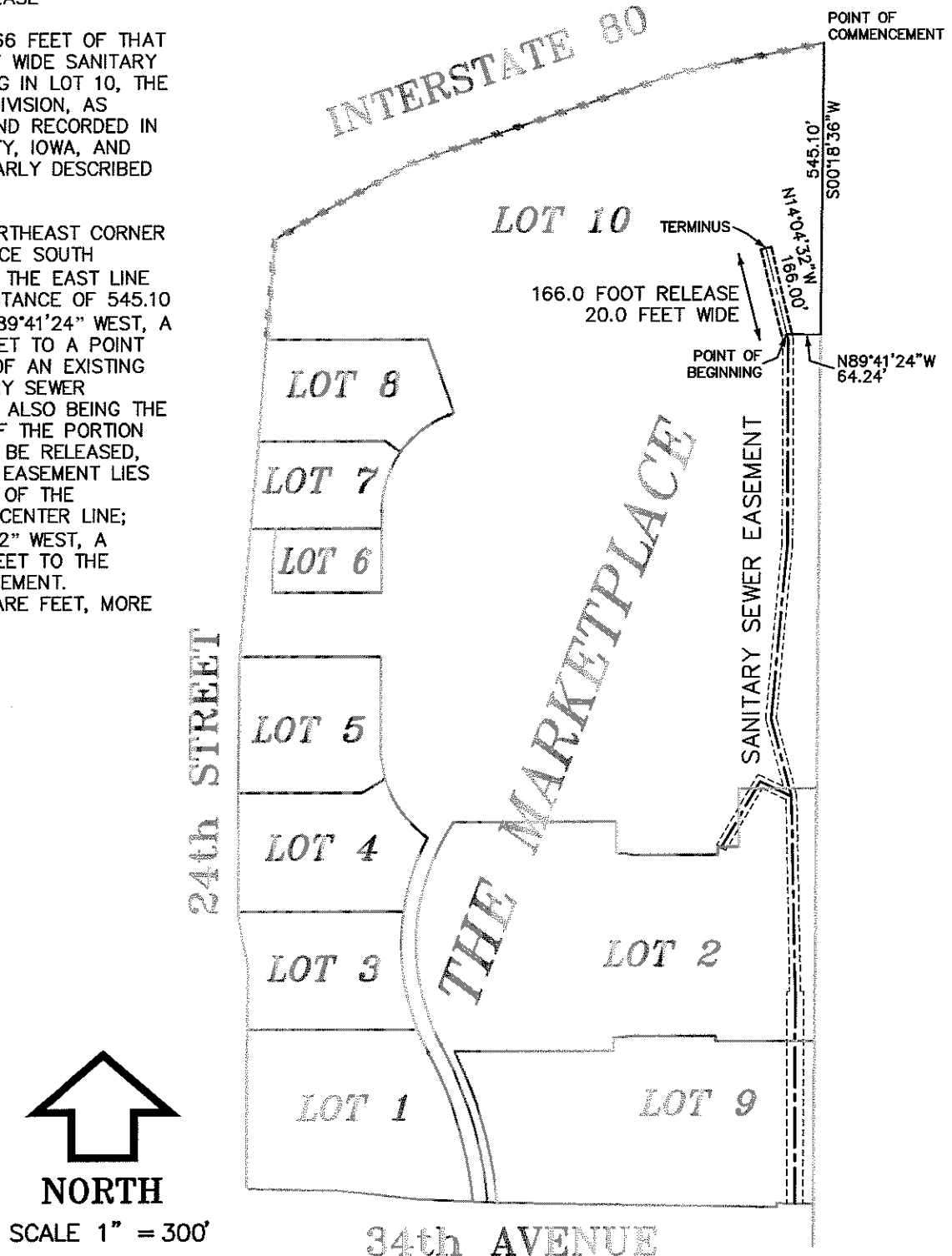
C.A. 9/22/08

Date: 9-18-07

DESCRIPTION & SKETCH**LEGAL DESCRIPTION: PARTIAL SANITARY SEWER EASEMENT RELEASE**

THE NORTHERNMOST 166 FEET OF THAT PART OF THE 20 FOOT WIDE SANITARY SEWER EASEMENT LYING IN LOT 10, THE MARKETPLACE, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°18'36" WEST ALONG THE EAST LINE OF SAID LOT 10, A DISTANCE OF 545.10 FEET; THENCE NORTH 89°41'24" WEST, A DISTANCE OF 64.24 FEET TO A POINT ON THE CENTER LINE OF AN EXISTING 20 FOOT WIDE SANITARY SEWER EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PORTION OF SAID EASEMENT TO BE RELEASED, AND SAID PORTION OF EASEMENT LIES 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE; THENCE NORTH 14°04'32" WEST, A DISTANCE OF 166.00 FEET TO THE TERMINUS OF SAID EASEMENT. CONTAINING 3320 SQUARE FEET, MORE OR LESS.



**EHRHART
GRIFFIN &
ASSOCIATES**

ENGINEERING

PLANNING

LAND SURVEYING

3552 Farnam Street • Omaha, Nebraska 68131 • 402 / 551-0631

Council Communication

Department:	Ordinance No.	
Case/Project No.	Resolution No. <u>08-277</u>	Council Action: 9/22/2008
Subject/Title A RESOLUTION OF INTENT TO RELEASE THE EASEMENTS RETAINED ON PROPERTY VACATED AND CONVEYED BY ORDINANCE NO. 3108 PASSED ON NOVEMBER 13, 1944 AND APPROVED ON DECEMBER 4, 1944.		
Background/Discussion Ordinance No. 3108 vacated and conveyed that part of the alley lying east of a point fifteen feet west of the dividing line between Lots 14 and 15, Block 1, Wright's Addition and between Block 1 Wright's Addition and Block 28 Central Subdivision, running easterly and westerly from 24 th Street to 25 th Street, in the City of Council Bluffs, Pottawattamie County, Iowa. Although easements were retained for utilities, no utilities are located on this property. It would be in the best interests of the City of Council Bluffs to release the easements retained by Ordinance No. 3108.		
Recommendation Release easements retained by Ordinance No. 3108.		

Dick Wade, City Attorney

Department Head Signature

Mayor Signature

RESOLUTION NO. 08-277

A RESOLUTION OF INTENT TO RELEASE THE EASEMENTS RETAINED ON PROPERTY VACATED AND CONVEYED BY ORDINANCE NO. 3108, PASSED ON NOVEMBER 13, 1944, AND APPROVED ON DECEMBER 4, 1944.

WHEREAS, Ordinance No. 3108, vacated and conveyed property described as:

All that part of the alley lying east of a point fifteen feet west of the dividing line between Lots 14 and 15, Block 1, Wright's Addition and between Block 1 Wright's Addition and Block 28 Central Subdivision, running easterly and westerly from 24th Street to 25th Street, in the City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, an easement was granted and reserved in the City of Council Bluffs for the maintenance of public utilities equipment; and

WHEREAS, there are no utilities located in the vacated property; and

WHEREAS, after study and consideration, it is the opinion of this City Council that the release of the utility easements on property described above is in the best interest of the City of Council Bluffs, Iowa.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council does hereby express its intent to release the utility easement on the above-described property.

ADOPTED
AND
APPROVED September 22, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Council Communication

Department: Community Development Case No. SUB-08-008 Applicant: John & Bev Roth #4 Ridge Drive West Council Bluffs, IA 51503	Resolution No. <u>08-278</u>	City Council Public Hearing: <u>September 22, 2008</u>
Subject/Title Final Plat approval for Roth's Hillside Second Addition Replat Two - a replat of Lot 7, Roth's Hillside Second Addition Replat One. The replat will create seven single family residential lots on approximately 3.9 acres, south of McKenzie Avenue between Fox Haven and Simms Avenue.		
Background/Discussion John and Beverly Roth are requesting final plat approval for a replat of Lot 7 in Roth's Hillside Second Addition Replat One. The final plat of Roth's Hillside Second Addition Replat Two is generally consistent with the preliminary plan approved by Resolution No. 07-194 on April 23, 2007. A condition of the preliminary plan approval asked that the long, narrow pieces of land adjacent to the new street right-of-way be either added to the right-of-way or that the property line be adjusted and deeded to the abutting property owner(s). The owner of Lot 1, 64 Oaks Subdivision has agreed to acquire the excess land abutting that lot. The final plat as presented must be revised to define the right-of-way adjacent to Lot 1, 64 Oaks Subdivision. A property line adjustment must be approved and recorded conveying the land in excess of the right-of-way before the revised final plat can be executed. The developer will install an 8" wide trail to City standards along the south side of the street right-of-way connecting to sidewalk on proposed Lot 7. The existing drainage easement granted to the City shall remain regardless of ownership. An extension of time to submit the final plat was granted on April 9, 2008. The applicant has met the October 23, 2008 deadline. The proposed replat is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Subdivision and Zoning Ordinances. All of the lots directly abut public street right-of-way and exceed the minimum lot size required by the Zoning Ordinance. The subject property and all of the surrounding land are zoned R-1/Single Family Residential. The required public improvements are substantially complete. The new public street, McKenzie Court and the storm and sanitary sewers are in place. With receipt of appropriate performance guarantee for the required trail, the plat can be executed. The 30' wide drainage easement in Lots 6 and 7 (along the southern portion of the subdivision) and utility easements are shown. Streetlights installed to City standards and paid for by the developer are required. Public Works and MidAmerican will finalize the location.		
Recommendation The Community Development recommends approval of the final plat for a subdivision to be known as Roth's Hillside Second Addition Replat Two, as shown on Attachment 'A', subject to the following: 1. The 10' front yard setback variance recommended with the preliminary plan is approved. 2. Modify the plat to dedicate a 50' wide right-of way extending from McKenzie Avenue to the 50' wide right-of-way as shown on the plat. 3. Revise the boundary and legal description of the final plat to reflect the approved property line		

4 A

adjustment and conveyance of the land to the abutting property owner on the south.

4. Incorporation of all technical corrections required by the Community Development Department and/or Public Works Department into the final plat document. These items include but are not limited to the following:

- a. The dedication language on the plat document should include the owner's free consent to the subdivision rather than recording a separate document as listed in Note B.
- b. Add language dedicating McKenzie Court street right-of-way.
- c. Cite book and page of the easement already dedicated with the earlier plating on this land.

5. Prior to executing the final plat, all required public improvements shall be installed and accepted by the City or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department as sufficient to complete any deficiencies. In this case, only the trail along the south side of the McKenzie Court right-of-way has not been completed.

6. A trail with a minimum width of 8' shall be installed at no cost to the City along the south side of McKenzie Court right-of-way from McKenzie Avenue to connect to future sidewalk in Lot 7 of the new subdivision.

7. Upon acceptance of all required improvements, the developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond.

8. Sidewalk shall be installed, at no expense to the City, along the McKenzie Court street frontage of each lot, prior to issuance of a Certificate of Occupancy for each residence.

9. Complete arrangements with the Water Works to extend water service to each lot in the subdivision.

10. All fire hydrants shall be active and accessible prior to any framing activity in the subdivision. Within the subdivision, all utilities shall be installed underground.

11. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for streetlight placement at developer's expense. Power and streetlights shall be in place prior to issuance of any building permits in the subdivision.

Attachment: Attachment A - Final Plat

Engineer: E&A Consulting Group, Mark Westergard, 330 No. 117th St., Omaha, NE 68154

Prepared by: Gayle M. Malmquist, Development Services Coordinator

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 08-278

A RESOLUTION granting final plat approval for Roth's Hillside Second Addition Replat Two.

WHEREAS, John and Beverly Roth have requested final plat approval for Roth's Hillside Second Addition Replat Two – a replat of Lot 7, Roth's Hillside Second Addition Replat One. The replat will create seven single-family residential lots on approximately 3.9 acres, south of McKenzie Avenue, between Fox Haven and Simms Avenue; and

WHEREAS, the final plat of Roth's Hillside Second Addition Replat Two is generally consistent with the preliminary plan approved by Resolution No. 07-194 on April 23, 2007; and

WHEREAS, the proposed replat is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Subdivision and Zoning Ordinances; and

WHEREAS, the subject property and all of the surrounding land are zoned R-1/Single Family Residential; and

WHEREAS, the required public improvements are substantially complete; and

WHEREAS, the Community Development Department recommends approval of the final plat for a subdivision to be known as Roth's Hillside Second Addition Replat Two, as shown on Attachment "A", subject to following:

1. The 10' front yard setback variance recommended with the preliminary plan is approved.
2. Modify the plat to dedicate a 50' wide right-of-way extending from McKenzie Avenue to the 50' right-of-way as shown on the plat.
3. Revise the boundary and legal description of the final plat to reflect the approved property line adjustment and conveyance of the land to the abutting property owner on the south.

4. Incorporation of all technical corrections required by the Community Development Department and/or Public Works Department into the final plat document. These items include, but are not limited to, the following:
 - a. The dedication language on the plat document should include the owner's free consent to the subdivision rather than recording a separate document as listed in Note B.
 - b. Add language dedicating McKenzie Court street right-of-way.
 - c. Cite book and page of the easement already dedicated with the earlier platting on this land.
5. Prior to executing the final plat, all required public improvements shall be installed and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department as sufficient to complete any deficiencies. In this case, only the trail along the south side of the McKenzie Court right-of-way has not been completed.
6. A trail with a minimum width of 8' shall be installed at no cost to the City along the south side of McKenzie Court right-of-way from McKenzie Avenue to connect to future sidewalk in Lot 7 of the new subdivision.
7. Upon acceptance of all required improvements, the developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond.
8. Sidewalk shall be installed, at no expense to the City, along the McKenzie Court street frontage of each lot, prior to issuance of a Certificate of Occupancy for each residence.
9. Complete arrangements with the Water Works to extend water service to each lot in the subdivision.
10. All fire hydrants shall be active and accessible prior to any framing activity in the subdivision. Within the subdivision, all utilities shall be installed underground.
11. Complete arrangements with MidAmerican Energy regarding timing, installation, and payment for streetlight placement at developer's expense. Power and streetlights shall be in place prior to issuance of any building permits in the subdivision.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for Roth's Hillside Second Addition Replat Two, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND
APPROVED September 22, 2008

THOMAS P. HANAFAN Mayor

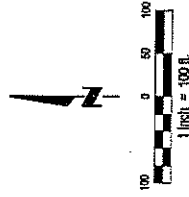
Attest: _____
JUDITH RIDGELEY City Clerk

Planning Case No. SUB-08-008

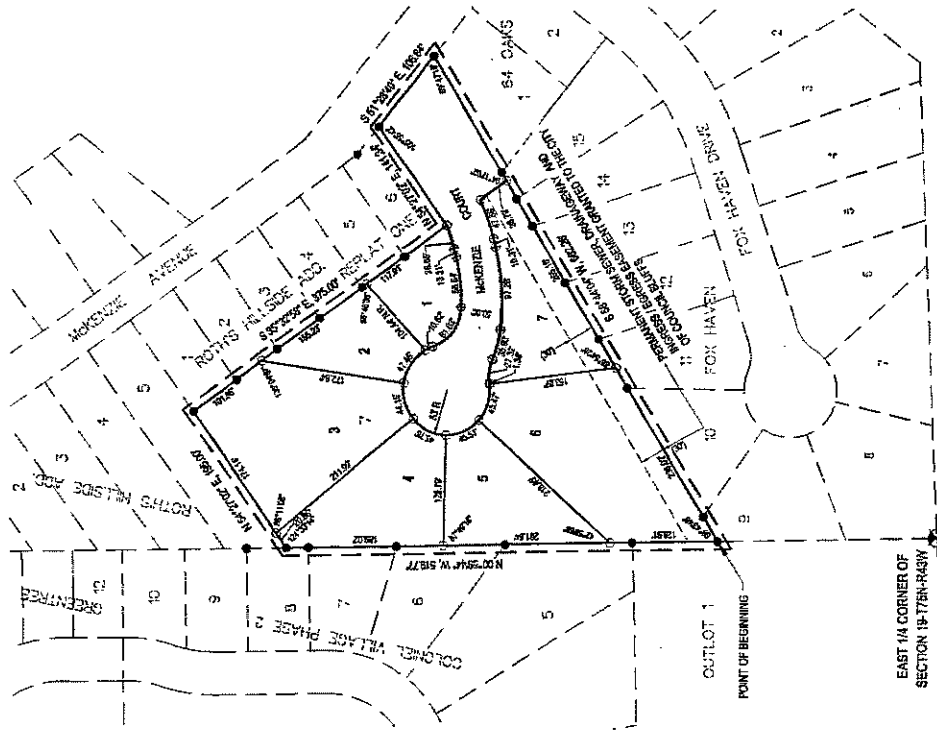
ROTH'S HILLSIDE SECOND ADDITION REPLAT TWO

BEING A REPLATING OF LOT 7, ROTH'S HILLSIDE SECOND ADDITION REPLAT ONE, A SUBDIVISION LOCATED IN THE 661/4 OF THE 1/41/4 OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 6TH P.M., POTTAWATTAMIE COUNTY, IOWA.

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED
2. ALL LOT LINES ARE FRANK TO CURVED STREETS UNLESS INDICATED BY A/R.
3. A PERPETUAL EASEMENT 6 FEET IN WIDTH IS RESERVED ALONG THE SIDE LOT LINES OF ALL LOTS, AND 5 FEET IN WIDTH ALONG THE REAR LOT LINES OF ALL LOTS, AND 10 FEET IN WIDTH ALONG THE FRONT LOT LINES OF ALL LOTS; SAID EASEMENTS ARE FOR UTILITY INSTALLATION AND MAINTENANCE AND FOR DRAINAGE, SAID DRAINAGE AREAS AND ANY INCLUDED DRAINAGE SYSTEMS ARE PRIVATE AND ARE TO BE INSTALLED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THEM.
4. PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS HAVE BEEN PREPARED FOR THIS DEVELOPMENT AND WILL BE RECORDED SIMULTANEOUSLY WITH THE FINAL PLAT.



- LEGEND**
- PINS FOUND BY FIELD (UNLESS OTHERWISE NOTED)
 - PINS SET, 3/4" X 30" REBAR WITH ALUMINUM CAP #1337



CASE #SUB-08-008
ATTACHMENT A

<p>Proj No: P205-008-002 Date: 04/10/2007 Designed By: MVA Drawn By: LDD Scale: 1" = 100' Sheet: 1 of 2</p>	<p>Revisions</p> <table border="1"> <thead> <tr> <th>No</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	No	Date			<p>ROTH'S HILLSIDE SECOND ADDITION REPLAT TWO COUNCIL BLUFFS, IOWA</p>	<p>E&A CONSULTING GROUP, INC. ENGINEERING • PLANNING • FIELD SERVICES</p> <p>330 NORTH 17TH STREET OMAHA, NE 68104 PHONE: (402) 595-4700 FAX: (402) 595-3599 WWW.EAG.COM</p>
No	Date						

FINAL PLAT

DEEDICATION
KNOW ALL MEN BY THESE PRESENTS, THAT WE, JOHN AND BEVERLY WOTH, BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE SURVEYORS CERTIFICATE AND ENGRAVED WITHIN THIS PLAT, HAVE CAUSED SAID PROPERTY TO BE SUBDIVIDED INTO LOTS AS SHOWN, SAID ADDITION TO BE HEREAFTER KNOWN AS LOT 1, BEING THE SECOND ADDITION, CONSISTING OF LOTS 1 THRU 7, INCLUSIVE. WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT.

WE, JOHN AND BEVERLY ROTH, HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE NOTED PERMANENT STORM SEWER AND DRAINAGE WAY EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF STORM SEWER CONDUITS AND APPURTENANCES THERE TO AND ANY DRAINAGE SYSTEMS DEEMED NECESSARY BY THE CITY OF COUNCIL BLUFFS, IOWA.

SAID EASEMENTS ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

1. ERECTION OF STRUCTURES PROHIBITED: THE OWNERS OF LOTS 8 & 7, BOTH'S HILLSIDE SECOND ADDITION REPAI TWO OR THEIR SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURES OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

8. RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA AS HEREIN DESCRIBED.

4. REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE OWNERS OF LOTS 6 & 7, BOTH'S HILLSIDE SECOND ADDITION OR THEIR

5. SURFACE RESTORATION; CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING. SUCCESSORS OR ASSIGNS.

13. DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASTERNLY AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS, SHALL BE REPAIRED AT NO EXPENSE TO THE TOWN OWNERS OF LOTS 6 & 7. BOTH'S HILLSIDE SECOND ADDITION REGAT TWO OR THEIR SUCCESSORS OR ASSIGNS.

7. EASEMENT RUNS WITH LAND: THIS EASEMENT SHALL BE BINDING ON THE OWNERS OF LOTS 8 & 7, ROTHBURN HILLSIDE SECOND ADDITION REPEAT TWO OR THEIR SUCCESSORS AND ASSIGNS.

JOHN M. ROTH
BEVERLY A. ROTH

APPROVAL OF COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT
THIS FINAL P.L. OF ROTHS HILL SIDE SECOND ADDITION REPAR TWO, WAS
APPROVED BY THE COUNCIL BLUFFS COMMUNITY DEVELOPMENT
DEPARTMENT ON THIS _____ DAY OF _____, 2008.

ON THIS _____ DAY OF _____, 2008, BEFORE ME, THE
UNDERIGNED A NOTARY PUBLIC, PERSONALLY CAME JOHN ROTH, TO
PERSONALLY KNOWN TO BE THE DONORAL PERSON WHOSE NAME IS
AFFIXED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGES THE
SAME TO BE HIS VOLUNTARY ACT AND DEED.

ACKNOWLEDGEMENT OF NOTARY
COUNTY OF POTTAWATTAMIE }

NOTARY PUBLIC

APPROVAL OF COUNCIL, BLUFFS CITY COUNCIL.
THIS FINAL PLAT OF ROTH'S HILLSIDE SECOND ADDITION REPLAT TWO WAS
APPROVED BY THE COUNCIL BLUFFS CITY COUNCIL ON THIS _____ DAY
OF _____ 2013.

THOMAS P. WAMPA, MAYOR

ATTEST:
CITY CLERK

JUDITH H. ROGGELEY

ACKNOWLEDGMENT OF NOTARY
COUNTY OF PUTNAM (NAME) .

ON THIS _____ DAY OF _____, 2008, BEFORE ME, THE
UNDERSIGNED A NOTARY PUBLIC, PERSONALLY CAME, SEEN IN MY SOLEMN
EYES, ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS
AFFIXED TO THE FOREGOING INSTRUMENT, AND SHE ACKNOWLEDGED THE
SAME TO BE HER VOLUNTARY ACT AND DEED.

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR
COUNTY TREASURER'S CERTIFICATE.

CERTIFICATE AND EMBROIDERED IN THIS PLAT AS SHOWN ON THE RECORDS OF THIS
OFFICE THIS _____ DAY OF _____, 2008.

JUDY ANN MILLER, POTTAWATTAMIE COUNTY TREASURER

Lot	P2004.039.012	Handover	Date	No	Final Plat	ROTH'S HILL
Acquired By:	JMA					
Ref:	LD3					
Leaf	1" = 100'					
Sheet	2 of 2					

[illegible]

LEGAL DESCRIPTION:
A REPLATING OF LOT 7, INCLUDING, ROTH'S HILL SUBDIVISION REPLAT ONE, A SUBDIVISION LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 43 WEST OF THE 6TH P.M., PUTNAM TOWNSHIP, PUTNAM COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

SABD TRACT OF LAND CONTAINS AN AREA OF 1917 ACRES, MORE OR LESS.

I hereby certify that this land surveying document was prepared and the stated survey was performed by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature: Robert V. Clark Date: _____
 License Number 13375
 My License renewal date is December 31, 2008.
 Pages or sheets covered by this cert. 2

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE PUTTAPATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

A ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.

B. NOTARIZED CERTIFICATION OF OWNER THAT THE SUBDIVISION AS IT APPEARS HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNER.

C. A NOTARIZED STATEMENT FROM THE MORTGAGE HOLDER OR LIENHOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRE.

Q. A NOTARIZED PARTIAL RELEASE FROM THE MORTGAGE HOLDER OR LIENHOLDER FOR ALL AREAS CONVEYED TO THE
FBI.

I, CERTIFIED REGULATOR OF EACH GOVERNING BODY, APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW, HEREBY CERTIFY THAT I WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

JOHN M. ROTH

BEVERLY A. ROTH

**PROTH'S HILLSIDE SECOND ADDITION
REPLAT TWO
COUNCIL BLUFFS, IOWA**



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 695-4700 FAX: (402) 695-3599
WWW.BEACON.COM

Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-279</u>	Date: <u>September 22, 2008</u>
Case/Project No.		
Applicant.		
SUBJECT/TITLE		
Resolution to grant an easement to Northern Natural Gas Company for the placement of infrastructure necessary to provide the SIRE ethanol plant natural gas.		
BACKGROUND		
SIRE needs natural gas to make its ethanol plant operational. The City is in the process of acquiring property and easements over land to establish a utility corridor to the Google Southland property. Northern Natural Gas has agreed to reimburse the City for the cost of additional property to accommodate their needs in getting gas service to SIRE. SIRE has already agreed to grant easements to the City at no cost to accommodate our needs on the west side of the interstate. The consideration paid to the City for this easement will be approximately \$14,000.		
Recommendation		
It is my recommendation that, after public hearing, this resolution be approved.		

Richard Wade

Department Head Signature

Mayor Signature

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-279

A RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING AN EASEMENT TO NORTHERN NATURAL GAS.

WHEREAS, on September 8, 2008, this Council approved Resolution No. 08-271 which expressed the City's intent to dispose of certain City property by granting an easement to Northern Natural Gas for the placement of infrastructure necessary to provide the SIRE ethanol plant natural gas; and

WHEREAS, a public hearing in this matter has been held.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized and directed to execute the Easement Agreement between the City and Northern Natural Gas under the terms and conditions negotiated between the parties.

ADOPTED
AND
APPROVED Sept. 22, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

CA-9/22/08